

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, January 16, 2006 at Westfield Town Hall. Members present included David Mueller, Bill Sanders, Cindy Spoljaric, and Craig Wood. Also present were Tom Higgins and Attorney Brian Zaiger.

ELECTION OF 2006 OFFICERS

Sanders nominated Patrick Miller as the Chairman of the Board of Zoning Appeals for 2006.

Mueller seconded the nomination.

Motion passed by voice vote.

Sanders nominated Craig Wood as the Vice Chairman of the Board of Zoning Appeals for 2006.

Spoljaric seconded the nomination.

Motion passed by voice vote.

Sanders moved to approve the November minutes as presented.

Mueller seconded, and the motion passed by voice vote.

NEW BUSINESS

Higgins announced the petitioner for 0601-VU-001 and 0601-VS-001 has requested a continuance on these two items until the March 2006 meeting.

Spoljaric moved to continue 0601-VU-001 and 0601-VS-001 to March, 2006.

Mueller seconded, and the motion passed 3-0-1 (Sanders).

0601-VS-002 322 West Main Street: Rick Phillips – Westfield Washington School System: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(e) to reduce the required size of parking spots on the School grounds new parking lot to nine (9') by twenty (20') feet from the required ten (10') feet by twenty (20') feet

Mueller recused himself from discussion regarding 0601-VS-002, 0601-VS-003, and 0601-VS-004.

Mr. Rick Phillips, Westfield Washington Schools, gave some background on the requests and introduced Mr. Aaron Reynolds of Paul I. Cripe Architects and Engineers who presented the details of the three requests.

Spoljaric asked about the Marathon pipeline.

Reynolds responded they have had discussions with Marathon and there are no issues or concerns with the design or construction.

Wood expressed concern about the band members crossing Hoover Street in a safe manner.

Phillips responded that they routinely move large groups of children across Hoover Street and does not anticipate this being a problem, stating they do have full time security during the summer which would be present during high traffic times.

A Public Hearing opened at 7:35 p.m.

No one spoke and the Public Hearing closed at 7:36 p.m.

Spoljaric moved to deny 0601-VS-002.

Sanders seconded, and the Vote was passed 2-1 (Wood), and the matter is continued

0601-VS-003 322 West Main Street: Rick Phillips – Westfield Washington School System: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.070-(A)-(1) to reduce the required interior landscaping requirement from the required ten (10%) to zero (0%)

A Public Hearing opened at 7:37 p.m.

No one spoke and the Public Hearing closed at 7:38 p.m.

Sanders moved to approve 0601-VS-003 with the condition that the reduction of the landscaping granted by BZA be transferred to the perimeter with all due respect given to safety.....of the site so long as the facility's primary use is for school band rehearsals and performances.

Wood seconded, and asked for an additional condition that the utmost effort be made to accommodate the establishment of a visual observation tower for use by the band department.

Motion passed 3-0.

Sanders moved to accept the Staff's Findings of Fact for 0601-VS-003.

Spoljaric seconded, and the motion passed 3-0.

0601-VS-004 322 West Main Street: Rick Phillips – Westfield Washington School System: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.060.070-(2)-(d) to eliminate the required interior landscaping areas on parking spaces greater than two

hundred (200') uninterrupted feet

A Public Hearing opened at 7:46 p.m.

No one spoke, and the Public Hearing closed at 7:47 p.m.

Spoljaric moved to approve 0601-VS-004.

Sanders seconded, and the motion passed 3-0.

Wood moved to adopt the Staff's Findings of Fact.

Spoljaric seconded, and the motion passed 3-0.

Phillips asked to continue 0601-VS-002 to the February BZA Meeting.

Sanders moved to approve the continuance of 0601-VS-002 to the February BZA meeting.

Wood seconded, and the motion passed 3-0.

0601-VU-002 14647 US 31: GRW Engineering – Simon Property: The Appellant is requesting a Variance of Use from the Westfield Washington Ordinance WC 16.040.070-(2) to allow a drive thru at a Chick-Fil-A in Village Park Plaza

0601-VS-005 14647 US 31: GRW Engineering – Simon property: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(J)-(8) to reduce the number of required parking spots from Seventy-five (75) to Fifty-six (56)

0601-VS-006 14647 US 31: GRW Engineering – Simon property: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.120-(2)-(e) to reduce the required size of parking spots from the required ten (10') feet by twenty (20') feet to nine (9') by nineteen (19') feet

Mr. Tom Breeden, GRW Engineers, gave an overview and presented the details of the three requests.

Sanders asked if there would be a play area at this site.

Ms. Kristin Clever was introduced and sworn in.

Clever responded yes there would be a play area at this site.

Mr. Bill Riggs was sworn in.

Mueller asked about the capacity.

Breeden answered 33 tables, 134 seats at capacity.

Mueller asked about the number of parking spaces.

Breeden stated the goal is 55-60 parking spaces.

Mueller stated his belief that a parking study should be done to make sure this plan fits the space in this particular site.

A Public Hearing opened at 8:17 p.m.

No one spoke, and the Public Hearing closed at 8:18 p.m.

Sanders moved to deny 0601-VU-002.

The petitioner was offered the opportunity to continue these items until the February BZA meeting.

Appellant requested continuance to the March BZA meeting.

Spoljaric moved to continue 0601-VU-002, 0601-VS-005, and 0601-VS-006 to the March BZA meeting.

Mueller seconded, and the motion passed 4-0.

0601-VS-007 3858 Falls Circle: Gary McNutt – Paul Estridge Corporation: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.040.050-(D)-(6)-(e) to reduce the rear yard setback from thirty feet (30') to twenty feet (20')

Higgins read one letter of opposition to 0601-VS-007.

Mr. Gary McNutt, Estridge Corporation, presented the details of the request stating the request had been amended. McNutt introduced Bryan Stumpf of Estridge to present further details and visual aids.

A Public Hearing was opened at 8:55 p.m.

Mr. Stan Knight spoke in opposition to the request from Variance Standard.

The Public Hearing closed at 9:02 p.m.

Stumpf responded to the Public Hearing comments.

McNutt responded to Public Hearing comments.

Wood moved to deny 0601-VS-007 per staff recommendation.

Sanders seconded, and the motion passed 3-1 (Miller).

Sanders moved to accept Staff's Finding of Fact.

Spoljaric seconded, and the motion passed 3-0-1 (Miller).

The meeting adjourned at 9:10 p.m.

Chairman

Secretary